

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re:)
) Case No.
)
) DECLARATION OF NO OBJECTIONS
) AND REQUEST FOR ENTRY OF ORDER
Debtor(s))

The undersigned, based on the following representations, requests the court enter an order granting the following motion:

MOTION

Motion type _____
Date filed _____
Docket No. _____

Supporting declaration (if any) were filed on:

Date filed _____ Date filed _____ Date filed _____
Docket No. _____ Docket No. _____ Docket No. _____

NOTICE

Notice (Docket No. _____) was provided and documented in the Certificate of Service (Docket No. _____) to:

— the Master Mailing List (MML) or Limited Mailing List (LML) retrieved on _____.
entities entitled to notice.

OR

Service was made in accordance with LBR 2002-1(b)(4)(B) - all recipients requiring service are registered participants in the CM/ECF system in this case.

OBJECTION(S)

There are no pending objections. The following objections (if any) were filed and resolved as indicated below:

Date filed _____ Date filed _____ Date filed _____
Docket No. _____ Docket No. _____ Docket No. _____
Resolved: _____ Resolved: _____ Resolved: _____
____ by withdrawal _____ by withdrawal _____ by withdrawal
____ by hearing _____ by hearing _____ by hearing
____ by stipulation/order _____ by stipulation/order _____ by stipulation/order

ORDER

A copy of the order is attached hereto.

Dated:

Name:
Email:
Telephone No.

DECLARATION OF NO OBJECTIONS AND REQUEST FOR ENTRY OF ORDER - 2

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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

10 In re:

11 Summer K. Mathena

12 Debtor

Case No. 10-06985-PCW7

ORDER TO DISGORGE
ATTORNEY FEES AND FOR
OTHER RELIEF

15 The United States Trustee has moved for an order requiring attorney Joseph
16 R. Jackson (“Attorney Jackson”) to return to the Debtor any and all amounts paid to
17 him by the Debtor in connection with this case, along with certain identified
18 supplemental relief. Attorney Jackson has not objected to entry of the order
19 requested by the United States Trustee. The court has reviewed the notice, motion,
20 and files related to this case.

NOW THEREFORE, it is hereby ordered, adjudged, and decreed as follows:

23 The Court finds that Attorney Jackson's representation of the Debtor in this
24 case was deficient in a number of regards, particularly (1) his failure to keep the
25 Debtor properly informed about the status of the case, and (2) his failure to obtain

Order to Disgorge Fees - 1

1 the Debtor's consent prior to taking actions on her behalf. The Court further finds
2 that these deficiencies on Attorney Jackson's part led to a great deal of unnecessary
3 time being spent on this case by the United States Trustee's office, the exposure of
4 the Debtor to the risk that her bankruptcy discharge would be denied, and the
5 unnecessary expense incurred by the Debtor in defending the Adversary Proceeding
6 No. 11-80051-PCW brought against her by the United States Trustee in this matter.
7

8 Attorney Jackson is ordered to take the steps outlined below in order to
9 remedy these deficiencies and prevent their future recurrence:

10 **1) REIMBURSEMENT OF CLIENT**

11 a) Attorney Jackson is ordered to re-pay to the Debtor all amounts paid to
12 him as attorney fees, a filing fee, and/or otherwise in connection with this
13 case no later than 60 days after the date of this Order;

14 b) Attorney Jackson is ordered to re-pay to the Debtor all amounts paid to
15 him as attorney fees, a filing fee, and/or otherwise in connection with his
16 representation of the Debtor in Case #07-01639-FLK7 no later than 60
17 days after the date of this Order;

18 c) Attorney Jackson is ordered to cancel any and all remaining agreements
19 for compensation with the Debtor related to this case or Case #07-01639-
20 FLK7 and forgive any outstanding balance;

21 d) Attorney Jackson is ordered to pay to the Debtor all amounts she has
22 paid or incurred as attorney fees, court costs, or other expenses related
23 to her defense of Adversary Proceeding No. 11-80051-PCW brought
24 against her by the United States Trustee in this matter no later than 90
25 days after the date of this Order.

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28 Order to Disgorge Fees - 2

1 e) Attorney Jackson is ordered to file with the Court no later than 90 days
2 after the date of this Order a written receipt signed by the Debtor
3 evidencing the fact and amount of his payment of the above ordered
4 sums to the Debtor and his release of the Debtor from any obligation to
5 repay any remaining unpaid fees or amounts.

2) MODIFICATION OF ATTORNEY OFFICE PRACTICES

7 The Court finds that Attorney Jackson did not satisfy his obligations to
8 Ms. Mathena as her bankruptcy attorney in the following ways and orders him to
9 comply with the following standards in his representation of bankruptcy clients in
10 all cases now and in the future in this Court:

- i) Attorney Jackson is ordered to notify his client of any action(s) the client needs to take in connection with the bankruptcy case
- ii) Attorney Jackson is ordered to provide a timely follow-up reminder of the need for action by the client if the client has not performed that action in a timely manner.
- iii) Attorney Jackson is ordered to refrain from taking actions or filing pleadings on behalf of a client without first obtaining the client's documented consent to do so.
- iv) Attorney Jackson is ordered to review all documents and pleadings to be filed with the court on behalf of a client for accuracy and completeness before they are filed and take any necessary actions to ensure their accuracy and completeness before filing them with the court.
- v) Attorney Jackson is ordered to determine before a case is filed whether a client is eligible to receive a discharge in that case. At a minimum, Attorney Jackson shall perform an electronic search using the client's

Social Security number using PACER Case Locator or a similar service before filing a bankruptcy case for a debtor.

vi) Attorney Jackson is ordered to maintain a complete record of all meetings, telephone calls, e-mails, and other communications between Attorney Jackson and/or his staff and Attorney Jackson's clients, to include at least the following:

(a) A log or other written record of all non-written (paper or electronic) communications between a member of Attorney Jackson's office and a client indicating the date, time, participants, and subject matter.

(b) A log or other written record of all documents delivered to Attorney Jackson's office by a client indicating the date, time, and document(s) delivered.

The Court further orders that should the issue come before this Court in the future, Attorney Jackson's failure to maintain such records shall conclusively preclude him from disputing a client's recollection of any event that should have been contained in those records.

3) MONETARY SANCTION

a) Attorney Jackson shall, no later than 120 days after the date of this Order, pay to the Court a monetary sanction of \$1,000.

// END OF ORDER //

Presented By:

/s/ James D. Perkins

James D. Perkins
Attorney for the United States Trustee

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